

Exhibit 6

KEITH FISCHER Confidential
Keith Fischer, et al. vs GEICO

August 28, 2024
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<p>1 2 IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK 3 -----x 4 KEITH FISCHER, MICHAEL O'SULLIVAN, JOHN MOESER, LOUIS PIA, THOMAS 5 BARDEN, CONSTANCE MANGAN, and CHARISE JONES, Individually and on 6 behalf of all others similarly situated, 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">-against-</p> <p style="text-align: center;">GOVERNMENT EMPLOYEES INSURANCE COMPANY d/b/a GEICO,</p> <p style="text-align: center;">Defendant.</p> <p style="text-align: center;">-----x August 28, 2024 10:06 a.m.</p> <p>***This Transcript Contains a Confidential Section***</p> <p>Videotaped Deposition of KEITH FISCHER, taken by Defendant, pursuant to Notice and Agreement, held at 1540 Broadway, New York, New York, before Joseph R. Danyo, a Shorthand Reporter and Notary Public within and for the State of New York.</p>	<p>1 Fischer 2 THE VIDEOGRAPHER: Good morning. We 3 are now on the record. The time is 10:06 4 a.m. on August 28, 2024. This begins the 5 video deposition of Keith Fischer taken in 6 the matter of Keith Fischer versus 7 Government Employees Insurance Company 8 filed in the United States District Court 9 for the Eastern District of New York, the 10 case number of which is 2:23 Civ. 11 2848(GRB)(ARL). 12 My name is Adrienne Chemmel. I am 13 your videographer today. The court 14 reporter is Joe Danyo. We are 15 representing Esquire Deposition Solutions. 16 Will everyone present please identify 17 themselves and state whom you represent, 18 after which the witness will be sworn in. 19 MS. DSOUZA: Zarka Shabir Dsouza from 20 Outten & Golden for the Plaintiffs. 21 MS. ALBERTY: Tiffany Alberty of 22 Duane Morris on behalf of the Defendant 23 GEICO. 24 THE VIDEOGRAPHER: Will the court 25 reporter please swear in the witness, and</p>
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<p>1 2 A P P E A R A N C E S : 3 OUTTEN & GOLDEN LLP Attorneys for Plaintiffs 4 1225 New York Avenue, N.W. Suite 1200B 5 Washington, D.C. 20005 6 By: ZARKA SHABIR DSOUZA, ESQ. HANNAH COLE-CHU, ESQ. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>DUANE MORRIS LLP Attorneys for Defendant 190 South LaSalle Street Suite 3700 Chicago, Illinois 60603</p> <p>By: TIFFANY ALBERTY, ESQ.</p> <p>Also Present: ADRIENNE CHEMMEL, Videographer ~oOo~</p>	<p>1 Fischer 2 then, Counsel, you may proceed. 3 KEITH FISCHER, having been first 4 duly sworn by Joseph R. Danyo, a Notary Public, 5 was called as a witness and testified as follows: 6 EXAMINATION BY MS. ALBERTY: 7 Q. Can you please state and spell your 8 first and last name. 9 A. Keith, K-e-i-t-h, Fischer, 10 F-i-s-c-h-e-r. 11 MS. ALBERTY: Let the record reflect 12 that this is the discovery deposition of 13 Mr. Keith Fischer taken pursuant to notice 14 and by agreement of the parties. Today's 15 deposition will be taken in accordance 16 with all applicable rules. 17 Q. Mr. Fischer, I know I introduced 18 myself off the record, and I just stated my name 19 for the record, but I'm Tiffany Alberty. I'm 20 counsel for GEICO, the Defendant in this case. 21 I'm going to be asking you a series 22 of questions about your background, your 23 experience at GEICO. Before we get started, have 24 you been deposed before? 25 A. Deposed, I mean as far as grand jury,</p>

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<p style="text-align: right;">Page 85</p> <p>1 Fischer</p> <p>2 stamped G004265 and attachment, was so</p> <p>3 marked for identification, as of this</p> <p>4 date.)</p> <p>5 Q. Mr. Fischer, what has been marked in</p> <p>6 front of you is Exhibit 3. It has been marked</p> <p>7 G004265. That's the top page. The remaining</p> <p>8 pages are actually a printout of an excel</p> <p>9 spreadsheet. That's why you see the topic lines,</p> <p>10 and it is chronologic.</p> <p>11 Do you recall intermittently</p> <p>12 throughout your employment with GEICO being</p> <p>13 trained on any revisions to GEICO's policies and</p> <p>14 procedures as it applied to your position as a</p> <p>15 lead security investigator local 66?</p> <p>16 A. To the best of my recollection, I</p> <p>17 can't say for sure. I mean I would have to look</p> <p>18 this over. The courses that I took.</p> <p>19 Q. As you're looking at the Learning</p> <p>20 Record, which is the most left column?</p> <p>21 A. Yes.</p> <p>22 Q. And it identifies, for example, the</p> <p>23 associate handbook, the recreational vehicle</p> <p>24 training course, the code of conduct, time and</p> <p>25 labor absence request, do these topics sound</p>	<p style="text-align: right;">Page 87</p> <p>1 Fischer</p> <p>2 That's all.</p> <p>3 Q. Is it fair to say, at least from the</p> <p>4 policy that's set forth in front of you, that</p> <p>5 working off the clock was not allowed by GEICO?</p> <p>6 MS. DSOUZA: Objection.</p> <p>7 A. There was no contention that it was</p> <p>8 ever not allowed. I mean I was told several</p> <p>9 times by my immediate supervisor Jerry Cassagne</p> <p>10 that what I did after hours was up to me. They</p> <p>11 never turned off our computers as they did</p> <p>12 recently to the new investigators.</p> <p>13 There was no lunches. There was no</p> <p>14 breaks. What I did in my time, I was my own</p> <p>15 person, my own man, and I did whatever I had to</p> <p>16 do to make sure that I completed my cases</p> <p>17 following the procedures that GEICO set forth in</p> <p>18 each investigation.</p> <p>19 Q. But in looking at Exhibit 2, does it</p> <p>20 indicate anywhere that you can work off the</p> <p>21 clock?</p> <p>22 A. That I can work off the clock? Does</p> <p>23 it say here? No, it does not.</p> <p>24 MS. DSOUZA: Objection.</p> <p>25 A. That you gave me.</p>
<p style="text-align: right;">Page 86</p> <p>1 Fischer</p> <p>2 familiar to you?</p> <p>3 A. Yes. Absolutely.</p> <p>4 Q. As to your participation in the</p> <p>5 learning courses where it then has a completion</p> <p>6 status, a record date, and a record grade, do you</p> <p>7 have any reason to dispute the specific dates,</p> <p>8 the policies or your pass/fail rate regarding any</p> <p>9 of the trainings you participated in for GEICO's</p> <p>10 policies throughout your tenure?</p> <p>11 A. No.</p> <p>12 Q. Was it your understanding from 2016</p> <p>13 and until your retirement that you were required</p> <p>14 to follow the overtime policy as we discussed in</p> <p>15 Exhibit 2?</p> <p>16 A. Just could you repeat that?</p> <p>17 Q. Sure. Is it your understanding that</p> <p>18 from 2016 until your retirement that you were</p> <p>19 required to follow the overtime policy that we</p> <p>20 looked at in Exhibit 2?</p> <p>21 A. In Exhibit 2. Yes, but, if I can</p> <p>22 clarify that this was the policy set by GEICO,</p> <p>23 but the practice did not follow the policy.</p> <p>24 Q. Okay.</p> <p>25 A. Just something I just want to add.</p>	<p style="text-align: right;">Page 88</p> <p>1 Fischer</p> <p>2 Q. You said that Jerry told you to the</p> <p>3 effect that you could work off the clock. Is</p> <p>4 that your testimony?</p> <p>5 MS. DSOUZA: Objection.</p> <p>6 A. We were given -- I'll answer the</p> <p>7 question. As far as Jerry is concerned, Jerry</p> <p>8 knew, if not weekly, at least biweekly, that I</p> <p>9 was working overtime each and every day and</p> <p>10 weekends to maintain my caseload.</p> <p>11 Q. Did Jerry ever tell you to work off</p> <p>12 the clock?</p> <p>13 MS. DSOUZA: Objection.</p> <p>14 A. No. Let's clarify. Jerry did say to</p> <p>15 me numerous times you have to do what you have to</p> <p>16 do to complete your work, and that's the</p> <p>17 understanding I had with Jerry for over 15 years</p> <p>18 or 20 years that I worked for him.</p> <p>19 Q. But to the extent that he told you</p> <p>20 you need to get what you need to get done off the</p> <p>21 clock, did he say anything to that degree?</p> <p>22 MS. DSOUZA: Objection.</p> <p>23 A. Not in those exact words, but it was,</p> <p>24 if you have to work overtime to get your caseload</p> <p>25 to where it has to be so that it's not</p>

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2MS. ALBERTY: Objection.

3A. Yes.

4MS. DSOUZA: I think that is it.

5MS. ALBERTY: I don't have any

6further questions. Thank you.

7MS. DSOUZA: Thank you.

8THE VIDEOGRAPHER: This marks the end

9of the deposition. We are going off the

10record at 5:33 p.m.

11(Time noted: 5:33 p.m.)

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14Subscribed and sworn to

15before me this____day of_____, 2024.

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2CERTIFICATION

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4I, JOSEPH R. DANYO, a Shorthand Reporter

5and Notary Public, within and for the State of New

6York, do hereby certify:

7That I reported the proceedings in the

8within entitled matter, and that the within transcript

9is a true record of such proceedings.

10I further certify that I am not related, by

11blood or marriage, to any of the parties in this


12matter and that I am in no way interested in the

13outcome of this matter.

14IN WITNESS WHEREOF, I have hereunto set my

15hand this 2nd day of September, 2024.

16

17

18JOSEPH R. DANYO

19STATE OF NEW YORK

20My Commission Expires 2/20/2027

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2DEPOSITION ERRATA SHEET

3Our Assignment No. 11658332

4Case Caption: Keith Fischer v GEICO

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6DECLARATION UNDER PENALTY OF PERJURY

7I declare under penalty of perjury that I have

8read the entire transcript of my deposition taken in

9the above-captioned matter or the same has been read

10to me, and the same is true and accurate, save and

11except for changes and/or corrections, if any, as

12indicated by me on the DEPOSITION ERRATA SHEET

13hereof, with the understanding that I offer these

14changes as if still under oath.

15Signed on the ____day of_____

162024.

17

18KEITH FISCHER

19Subscribed and sworn to on the____day of

20_____, 2024 before me.

21

22

23Notary Public in and for the State of New York.

24

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